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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 **AXS GROUP LLC,**  
17 **Plaintiff,**

18 **v.**

19 **INTERNET REFERRAL SERVICES,**  
20 **LLC, EVENT TICKETS CENTER,**  
21 **INC., VERIFIED-TICKET.COM,**  
22 **AMOS.APP and SECURE.TICKETS,**  
23 **Defendants.**

Case No. 2:24-CV-00377-SPG (Ex)

**DEFENDANT EVENT TICKETS  
CENTER, INC.'S ANSWER TO  
PLAINTIFF AXS GROUP LLC'S  
FIRST AMENDED COMPLAINT**

**JURY TRIAL DEMANDED**

District Judge: Sherilyn Peace Garnett

Magistrate Judge: Charles F. Eick

Complaint Served: May 6, 2024

Defendant Event Tickets Center, Inc. (“Event Tickets”) by and through its attorneys, files its Answer to Plaintiff AXS Group LLC’s (“AXS” or “Plaintiff”) Complaint for alleged copyright infringement, violation of the Digital Millennium Copyright Act, trademark counterfeiting, trademark infringement, federal false designation, unfair competition, common law false designation, civil conspiracy, and breach of contract (“Complaint”).

**ANSWER**

Event Tickets responds to the allegations contained in the numbered paragraphs of AXS’s Complaint below. Event Tickets denies all allegations and characterizations in AXS’s Complaint unless expressly admitted in the following paragraphs.

**I. “INTRODUCTION & SUMMARY OF RELIEF REQUESTED”<sup>1</sup>**

1. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore denies them.

2. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2, and therefore denies them.

3. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3, and therefore denies them.

4. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and therefore denies them.

5. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and therefore denies them.

6. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6, and therefore denies them.

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<sup>1</sup> Event Tickets repeats the Complaint’s headings for convenience but does not thereby make any admission that they are accurate.

1           7.     Event Tickets denies that it has committed any alleged wrongdoing  
2 described in the Complaint. Event Tickets otherwise lacks knowledge or information  
3 sufficient to form a belief as to the truth of the allegations in Paragraph 7, and  
4 therefore denies them.

5           8.     Event Tickets denies that it has committed any alleged wrongdoing  
6 described in the Complaint. Event Tickets otherwise lacks knowledge or information  
7 sufficient to form a belief as to the truth of the allegations in Paragraph 8, and  
8 therefore denies them.

9           9.     Event Tickets denies that it has committed any alleged wrongdoing  
10 described in the Complaint. Event Tickets otherwise lacks knowledge or information  
11 sufficient to form a belief as to the truth of the allegations in Paragraph 9, and  
12 therefore denies them.

13                                   **II.    “PARTIES”**

14           10.    Event Tickets lacks knowledge or information sufficient to form a belief  
15 as to the truth of the allegations in Paragraph 10, and therefore denies them.

16           11.    Event Tickets lacks knowledge or information sufficient to form a belief  
17 as to the truth of the allegations in Paragraph 11, and therefore denies them.

18           12.    Event Tickets admits that it is a Florida corporation with an address at  
19 308 West University Avenue, Suite B, Gainesville, FL 32601. Event Tickets also  
20 admits it owns the domain eventticketscenter.com. Event Tickets denies all  
21 remaining allegations contained in Paragraph 12.

22           13.    Event Tickets lacks knowledge or information sufficient to form a belief  
23 as to the truth of the allegations in Paragraph 13, and therefore denies them.

24           14.    Event Tickets lacks knowledge or information sufficient to form a belief  
25 as to the truth of the allegations in Paragraph 14, and therefore denies them.

26           15.    Event Tickets lacks knowledge or information sufficient to form a belief  
27 as to the truth of the allegations in Paragraph 15, and therefore denies them.

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1           16. Event Tickets lacks knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in Paragraph 16, and therefore denies them.

3                           **III. "JURISDICTION AND VENUE"**

4           17. Event Tickets admits that this Court has subject matter jurisdiction over  
5 this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Event Tickets denies all  
6 remaining allegations contained in Paragraph 17.

7           18. Event Tickets admits this Court has supplemental jurisdiction over state  
8 claims. Event Tickets denies that it has committed any alleged wrongdoing described  
9 in the Complaint. Event Tickets denies all remaining allegations contained in  
10 Paragraph 18.

11           19. Event Tickets admits this Court has personal jurisdiction over Event  
12 Tickets. Event Tickets denies that it has committed any alleged wrongdoing  
13 described in the Complaint. Event Tickets denies all remaining allegations contained  
14 in Paragraph 19, and therefore denies them.

15           20. Event Tickets lacks knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in Paragraph 20, and therefore denies them.

17           21. Event Tickets lacks knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in Paragraph 21, and therefore denies them.

19           22. Event Tickets denies that venue is proper in this district because the  
20 Complaint appears based on Plaintiff's use of Event Ticket's website, which requires  
21 that any controversy or claim arising out of or relating to the use of the site shall be  
22 subject to venue in the state and federal courts of the State of Connecticut, Hartford  
23 County. Event Tickets denies that it has committed any alleged wrongdoing  
24 described in the Complaint. Event Tickets denies all remaining allegations contained  
25 in Paragraph 22.

1           **IV. “PLAINTIFF’S E-TICKETING BUSINESS OPERATION”**

2           **A. “The AXS Platform for Selling and Re-Selling Tickets”**

3           23. Event Tickets lacks knowledge or information sufficient to form a belief  
4 as to the truth of the allegations in Paragraph 23, and therefore denies them.

5           24. Event Tickets lacks knowledge or information sufficient to form a belief  
6 as to the truth of the allegations in Paragraph 24, and therefore denies them.

7           25. Event Tickets lacks knowledge or information sufficient to form a belief  
8 as to the truth of the allegations in Paragraph 25, and therefore denies them.

9           26. Event Tickets lacks knowledge or information sufficient to form a belief  
10 as to the truth of the allegations in Paragraph 26, and therefore denies them.

11           27. Event Tickets lacks knowledge or information sufficient to form a belief  
12 as to the truth of the allegations in Paragraph 27, and therefore denies them.

13           **B. “AXS Mobile ID Technology (Formerly Known as ‘Flash**  
14           **Seats’)”**

15           28. Event Tickets lacks knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in Paragraph 28, and therefore denies them.

17           29. Event Tickets lacks knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in Paragraph 29, and therefore denies them.

19           30. Event Tickets lacks knowledge or information sufficient to form a belief  
20 as to the truth of the allegations in Paragraph 30, and therefore denies them.

21           31. Event Tickets lacks knowledge or information sufficient to form a belief  
22 as to the truth of the allegations in Paragraph 31, and therefore denies them.

23           32. Event Tickets lacks knowledge or information sufficient to form a belief  
24 as to the truth of the allegations in Paragraph 32, and therefore denies them.

25           33. Event Tickets lacks knowledge or information sufficient to form a belief  
26 as to the truth of the allegations in Paragraph 33, and therefore denies them.

27           34. Event Tickets lacks knowledge or information sufficient to form a belief  
28 as to the truth of the allegations in Paragraph 34, and therefore denies them.

1           35. Event Tickets lacks knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in Paragraph 35, and therefore denies them.

3           **V. “PLAINTIFF’S [ALLEGEDLY] VALID AND SUBSISTING**  
4                                   **INTELLECTUAL PROPERTY RIGHTS”**

5           **A. “The AXS Trademarks”**

6           36. Event Tickets lacks knowledge or information sufficient to form a belief  
7 as to the truth of the allegations in Paragraph 36, and therefore denies them.

8           37. Event Tickets lacks knowledge or information sufficient to form a belief  
9 as to the truth of the allegations in Paragraph 37, and therefore denies them.

10          38. Event Tickets lacks knowledge or information sufficient to form a belief  
11 as to the truth of the allegations in Paragraph 38, and therefore denies them.

12          39. Event Tickets lacks knowledge or information sufficient to form a belief  
13 as to the truth of the allegations in Paragraph 39, and therefore denies them.

14          40. Event Tickets lacks knowledge or information sufficient to form a belief  
15 as to the truth of the allegations in Paragraph 40, and therefore denies them.

16          41. Event Tickets lacks knowledge or information sufficient to form a belief  
17 as to the truth of the allegations in Paragraph 41, and therefore denies them.

18          42. Event Tickets lacks knowledge or information sufficient to form a belief  
19 as to the truth of the allegations in Paragraph 42, and therefore denies them.

20          43. Event Tickets lacks knowledge or information sufficient to form a belief  
21 as to the truth of the allegations in Paragraph 43, and therefore denies them.

22           **B. “The AXS Copyrights”**

23          44. Event Tickets lacks knowledge or information sufficient to form a belief  
24 as to the truth of the allegations in Paragraph 44, and therefore denies them.

25          45. Event Tickets lacks knowledge or information sufficient to form a belief  
26 as to the truth of the allegations in Paragraph 45, and therefore denies them.

27          46. Event Tickets lacks knowledge or information sufficient to form a belief  
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as to the truth of the allegations in Paragraph 46, and therefore denies them.

47. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47, and therefore denies them.

48. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48, and therefore denies them.

**C. “Notice of Plaintiff’s Trademarks and Copyrights”**

49. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49, and therefore denies them.

50. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50, and therefore denies them.

51. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51, and therefore denies them.

**VI. “DEFENDANTS’ [ALLEGED] INFRINGING AND ILLICIT COUNTERFEITING OPERATIONS”**

52. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52, and therefore denies them.

53. Event Tickets denies all allegations contained in Paragraph 53 relating to Event Tickets and denies that it has committed any alleged wrongdoing described in the Complaint. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

**A. “IRS and ETC [Allegedly] Deliver Counterfeit AXS Digital Tickets to Unsuspecting Consumers in Cooperation with VBD”**

54. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54, and therefore denies them.

55. Event Tickets denies that it retails or distributes tickets. Event Tickets admits it owns the domain eventticketscenter.com. Event Tickets otherwise lacks



1 knowledge or information sufficient to form a belief as to the truth of the allegations  
2 in Paragraph 55, and therefore denies them.

3 56. Event Tickets denies that it has done any business with Defendant IRS  
4 and that it retails or distributes tickets. Event Tickets otherwise lacks knowledge or  
5 information sufficient to form a belief as to the truth of the allegations in Paragraph  
6 56, and therefore denies them.

7 57. Event Tickets lacks knowledge or information sufficient to form a belief  
8 as to the truth of the allegations in Paragraph 57, and therefore denies them.

9 58. Event Tickets lacks knowledge or information sufficient to form a belief  
10 as to the truth of the allegations in Paragraph 58, and therefore denies them.

11 59. Event Tickets lacks knowledge or information sufficient to form a belief  
12 as to the truth of the allegations in Paragraph 59, and therefore denies them.

13 60. Event Tickets lacks knowledge or information sufficient to form a belief  
14 as to the truth of the allegations in Paragraph 60, and therefore denies them.

15 61. Event Tickets lacks knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in Paragraph 61, and therefore denies them.

17 62. Event Tickets lacks knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in Paragraph 62 and therefore denies them.

19 63. Event Tickets denies the allegations in Paragraph 63 related to Event  
20 Tickets. Event Tickets otherwise lacks knowledge or information sufficient to form  
21 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

22 64. Event Tickets denies the allegations in Paragraph 64 related to Event  
23 Tickets. Event Tickets otherwise lacks knowledge or information sufficient to form  
24 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

25 65. Event Tickets denies the allegations in Paragraph 65 related to Event  
26 Tickets. Event Tickets otherwise lacks knowledge or information sufficient to form  
27 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

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**B. “IRS’s Independent Acts of Infringement and Unfair Competition”**

66. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66, and therefore denies them.

67. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67, and therefore denies them.

68. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68, and therefore denies them.

69. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69, and therefore denies them.

70. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70, and therefore denies them.

71. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71, and therefore denies them.

72. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72, and therefore denies them.

73. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73, and therefore denies them.

74. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74, and therefore denies them.

**C. “ETC’s Independent Acts of Infringement and Unfair Competition”**

75. Event Tickets admits it owns the domain eventticketscenter.com. Event Tickets denies that it distributes tickets. Event Tickets otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75, and therefore denies them.

76. Event Tickets denies that it distributes tickets. Event Tickets otherwise

1 lacks knowledge or information sufficient to form a belief as to the truth of the  
2 allegations in Paragraph 76, and therefore denies them.

3 77. Event Tickets denies that it has committed any alleged wrongdoing  
4 described in the Complaint. Event Tickets denies that it distributes tickets. Event  
5 Tickets otherwise lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations in Paragraph 77, and therefore denies them.

7 78. Event Tickets denies that it distributes tickets. Event Tickets otherwise  
8 lacks knowledge or information sufficient to form a belief as to the truth of the  
9 allegations in Paragraph 78, and therefore denies them.

10 79. Event Tickets denies that it has committed any alleged wrongdoing  
11 described in the Complaint. Event Tickets denies that it distributes tickets. Event  
12 Tickets otherwise lacks knowledge or information sufficient to form a belief as to the  
13 truth of the allegations in Paragraph 79, and therefore denies them.

14 80. Event Tickets lacks knowledge or information sufficient to form a belief  
15 as to the truth of the allegations in Paragraph 80, and therefore denies them.

16 81. Event Tickets denies that it has committed any alleged wrongdoing  
17 described in the Complaint. Event Tickets denies the allegations in Paragraph 81.

18 **D. “Defendant Tanriverdi Is Selling and Distributing**  
19 **Counterfeit AXS Tickets in this Judicial District”**

20 82. Event Tickets lacks knowledge or information sufficient to form a belief  
21 as to the truth of the allegations in Paragraph 82, and therefore denies them.

22 83. Event Tickets lacks knowledge or information sufficient to form a belief  
23 as to the truth of the allegations in Paragraph 83, and therefore denies them.

24 84. Event Tickets lacks knowledge or information sufficient to form a belief  
25 as to the truth of the allegations in Paragraph 84, and therefore denies them.

26 85. Event Tickets lacks knowledge or information sufficient to form a belief  
27 as to the truth of the allegations in Paragraph 85, and therefore denies them.  
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1           86. Event Tickets lacks knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in Paragraph 86, and therefore denies them.

3           87. Event Tickets lacks knowledge or information sufficient to form a belief  
4 as to the truth of the allegations in Paragraph 87, and therefore denies them.

5           88. Event Tickets lacks knowledge or information sufficient to form a belief  
6 as to the truth of the allegations in Paragraph 88, and therefore denies them.

7           **E. “Secure.Tickets is Selling and Distributing Counterfeit AXS**  
8           **Tickets in this Judicial District”**

9           89. Event Tickets lacks knowledge or information sufficient to form a belief  
10 as to the truth of the allegations in Paragraph 89, and therefore denies them.

11           90. Event Tickets lacks knowledge or information sufficient to form a belief  
12 as to the truth of the allegations in Paragraph 90, and therefore denies them.

13           91. Event Tickets lacks knowledge or information sufficient to form a belief  
14 as to the truth of the allegations in Paragraph 91, and therefore denies them.

15           92. Event Tickets lacks knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in Paragraph 92, and therefore denies them.

17           93. Event Tickets lacks knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in Paragraph 93, and therefore denies them.

19           94. Event Tickets lacks knowledge or information sufficient to form a belief  
20 as to the truth of the allegations in Paragraph 94, and therefore denies them.

21           **VII. “CAUSES OF ACTION”**

22           **“First Cause of Action (All Defendants)**

23           **[Alleged] Copyright Infringement Under 17 U.S.C. § 101, et. seq.”**

24           95. Event Tickets incorporates by reference its responses to the preceding  
25 paragraphs of the Complaint as though fully restated herein.

26           96. Event Tickets lacks knowledge or information sufficient to form a belief  
27 as to the truth of the allegations in Paragraph 96, and therefore denies them.

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1           97. Event Tickets lacks knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in Paragraph 97, and therefore denies them.

3           98. Event Tickets lacks knowledge or information sufficient to form a belief  
4 as to the truth of the allegations in Paragraph 98, and therefore denies them.

5           99. Event Tickets lacks knowledge or information sufficient to form a belief  
6 as to the truth of the allegations in Paragraph 99, and therefore denies them.

7           100. Event Tickets denies the allegations in Paragraph 100 related to Event  
8 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
9 of the allegations against other Defendants and therefore denies them.

10           101. Event Tickets denies the allegations in Paragraph 101 related to Event  
11 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
12 of the allegations against other Defendants and therefore denies them.

13           102. Event Tickets denies the allegations in Paragraph 102 related to Event  
14 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
15 of the allegations against other Defendants and therefore denies them.

16           103. Event Tickets denies the allegations in Paragraph 103 related to Event  
17 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
18 of the allegations against other Defendants and therefore denies them.

19           104. Event Tickets denies the allegations in Paragraph 104 related to Event  
20 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
21 of the allegations against other Defendants and therefore denies them.

22           105. Event Tickets denies the allegations in Paragraph 105 related to Event  
23 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
24 of the allegations against other Defendants and therefore denies them.

25           106. Event Tickets denies the allegations in Paragraph 106 related to Event  
26 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
27 of the allegations against other Defendants and therefore denies them.

28

**“Second Cause of Action (All Defendants)**

**[Alleged] Violation of Digital Millennium Copyright Act Under 17 U.S.C.**

**§ 1201”**

107. Event Tickets incorporates by reference its responses to the proceeding paragraphs of the Complaint as though fully restated herein.

108. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108, and therefore denies them.

109. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109, and therefore denies them.

110. Event Tickets denies the allegations in Paragraph 110 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

111. Event Tickets denies the allegations in Paragraph 111 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

112. Event Tickets denies the allegations in Paragraph 112 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

113. Event Tickets denies the allegations in Paragraph 113 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

114. Event Tickets denies the allegations in Paragraph 114 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

**“Third Cause of Action (All Defendants)**

**[Alleged] Trademark Counterfeiting Under 15 U.S.C. § 1114, et seq.”**

115. Event Tickets incorporates by reference its responses to the proceeding

1 paragraphs of the Complaint as though fully restated herein.

2 116. Event Tickets lacks knowledge or information sufficient to form a belief  
3 as to the truth of the allegations in Paragraph 116, and therefore denies them.

4 117. Event Tickets denies the allegations in Paragraph 117 related to Event  
5 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
6 of the allegations against other Defendants and therefore denies them.

7 118. Event Tickets denies the allegations in Paragraph 118 related to Event  
8 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
9 of the allegations against other Defendants and therefore denies them.

10 119. Event Tickets denies the allegations in Paragraph 119 related to Event  
11 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
12 of the allegations against other Defendants and therefore denies them.

13 120. Event Tickets denies the allegations in Paragraph 120 related to Event  
14 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
15 of the allegations against other Defendants and therefore denies them.

16 121. Event Tickets denies the allegations in Paragraph 121 related to Event  
17 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
18 of the allegations against other Defendants and therefore denies them.

19 **“Fourth Cause of Action (All Defendants)**

20 **[Alleged] Trademark Infringement Under 15 U.S.C. § 1114, et seq.”**

21 122. Event Tickets incorporates by reference its responses to the proceeding  
22 paragraphs of the Complaint as though fully restated herein.

23 123. Event Tickets lacks knowledge or information sufficient to form a belief  
24 as to the truth of the allegations in Paragraph 123, and therefore denies them.

25 124. Event Tickets denies the allegations in Paragraph 124 related to Event  
26 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
27 of the allegations against other Defendants and therefore denies them.

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1           125. Event Tickets denies the allegations in Paragraph 125 related to Event  
2 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
3 of the allegations against other Defendants and therefore denies them.

4           126. Event Tickets denies the allegations in Paragraph 126 related to Event  
5 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
6 of the allegations against other Defendants and therefore denies them.

7           127. Event Tickets denies the allegations in Paragraph 127 related to Event  
8 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
9 of the allegations against other Defendants and therefore denies them.

10           128. Event Tickets denies the allegations in Paragraph 128 related to Event  
11 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
12 of the allegations against other Defendants and therefore denies them.

13                           **“Fifth Cause of Action (All Defendants)**

14           **[Alleged] Unfair Competition and False Designation of Origin Under 15 U.S.C.**

15   **§ 1125, et seq.”**

16           129. Event Tickets incorporates by reference its responses to the proceeding  
17 paragraphs of the Complaint as though fully restated herein.

18           130. Event Tickets lacks knowledge or information sufficient to form a belief  
19 as to the truth of the allegations in Paragraph 130, and therefore denies them.

20           131. Event Tickets denies the allegations in Paragraph 131 related to Event  
21 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
22 of the allegations against other Defendants and therefore denies them.

23           132. Event Tickets denies the allegations in Paragraph 132 related to Event  
24 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
25 of the allegations against other Defendants and therefore denies them.

26           133. Event Tickets denies the allegations in Paragraph 133 related to Event  
27 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
28



1 of the allegations against other Defendants and therefore denies them.

2 134. Event Tickets denies the allegations in Paragraph 134 related to Event  
3 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
4 of the allegations against other Defendants and therefore denies them.

5 135. Event Tickets denies the allegations in Paragraph 135 related to Event  
6 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
7 of the allegations against other Defendants and therefore denies them.

8 **“Sixth Cause of Action (All Defendants)**

9 **[Alleged] State Statutory Unfair Competition Under Cal. Bus. & Prof. Code**

10 **§ 17200, et seq.”**

11 136. Event Tickets incorporates by reference its responses to the proceeding  
12 paragraphs of the Complaint as though fully restated herein.

13 137. Event Tickets lacks knowledge or information sufficient to form a belief  
14 as to the truth of the allegations in Paragraph 137, and therefore denies them.

15 138. Event Tickets denies the allegations in Paragraph 138 related to Event  
16 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
17 of the allegations against other Defendants and therefore denies them.

18 139. Event Tickets denies the allegations in Paragraph 139 related to Event  
19 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
20 of the allegations against other Defendants and therefore denies them.

21 140. Event Tickets denies the allegations in Paragraph 140 related to Event  
22 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
23 of the allegations against other Defendants and therefore denies them.

24 141. Event Tickets denies the allegations in Paragraph 141 related to Event  
25 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
26 of the allegations against other Defendants and therefore denies them.

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**“Seventh Cause of Action (All Defendants)**

**[Alleged] Common Law False Designation of Origin & Unfair Competition”**

142. Event Tickets incorporates by reference its responses to the proceeding paragraphs of the Complaint as though fully restated herein.

143. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143, and therefore denies them.

144. Event Tickets denies the allegations in Paragraph 144 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

145. Event Tickets denies the allegations in Paragraph 145 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

146. Event Tickets denies the allegations in Paragraph 146 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

147. Event Tickets denies the allegations in Paragraph 147 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

148. Event Tickets denies the allegations in Paragraph 148 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

**“Eighth Cause of Action**

**(Against Defendants IRS, ETC and VBD)**

**[Alleged] Civil Conspiracy”**

149. Event Tickets incorporates by reference its responses to the proceeding paragraphs of the Complaint as though fully restated herein.

150. Event Tickets lacks knowledge or information sufficient to form a belief

1 as to the truth of the allegations in Paragraph 150, and therefore denies them.

2 151. Event Tickets lacks knowledge or information sufficient to form a belief  
3 as to the truth of the allegations in Paragraph 151, and therefore denies them.

4 152. Event Tickets denies the allegations in Paragraph 152 related to Event  
5 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
6 of the allegations against other Defendants and therefore denies them.

7 153. Event Tickets denies the allegations in Paragraph 153 related to Event  
8 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
9 of the allegations against other Defendants and therefore denies them.

10 154. Event Tickets denies the allegations in Paragraph 154 related to Event  
11 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
12 of the allegations against other Defendants and therefore denies them.

13 155. Event Tickets denies the allegations in Paragraph 155 related to Event  
14 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
15 of the allegations against other Defendants and therefore denies them.

16 156. Event Tickets denies the allegations in Paragraph 156 related to Event  
17 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
18 of the allegations against other Defendants and therefore denies them.

19 **“Ninth Cause of Action (All Defendants)**

20 **[Alleged] Breach of Contract”**

21 157. Event Tickets incorporates by reference its responses to the proceeding  
22 paragraphs of the Complaint as though fully restated herein.

23 158. Event Tickets denies the allegations in Paragraph 158 related to Event  
24 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
25 of the allegations against other Defendants and therefore denies them.

26 159. Event Tickets denies the allegations in Paragraph 159 related to Event  
27 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
28

1 of the allegations against other Defendants and therefore denies them.

2 160. Event Tickets denies the allegations in Paragraph 160 related to Event  
3 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
4 of the allegations against other Defendants and therefore denies them.

5 161. Event Tickets denies the allegations in Paragraph 161 related to Event  
6 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
7 of the allegations against other Defendants and therefore denies them.

8 162. Event Tickets denies the allegations in Paragraph 162 related to Event  
9 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
10 of the allegations against other Defendants and therefore denies them.

11 163. Event Tickets denies the allegations in Paragraph 163 related to Event  
12 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
13 of the allegations against other Defendants and therefore denies them.

14 164. Event Tickets denies the allegations in Paragraph 164 related to Event  
15 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
16 of the allegations against other Defendants and therefore denies them.

17 165. Event Tickets denies the allegations in Paragraph 165 related to Event  
18 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
19 of the allegations against other Defendants and therefore denies them.

20 166. Event Tickets denies the allegations in Paragraph 166 related to Event  
21 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
22 of the allegations against other Defendants and therefore denies them.

23 167. Event Tickets denies the allegations in Paragraph 167 related to Event  
24 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
25 of the allegations against other Defendants and therefore denies them.

26 **VIII. "PRAYER FOR RELIEF"**

27 The section of the Complaint titled "Prayer for Relief" sets forth the statement  
28

1 of relief requested by AXS to which no response is required. Event Tickets denies  
2 that AXS is entitled to any relief sought in its Prayer for Relief or otherwise.

3 **VIII. AFFIRMATIVE AND ADDITIONAL DEFENSES**

4 168. Event Tickets incorporates by reference the foregoing paragraphs in  
5 their entirety and asserts the following affirmative and additional defenses. By  
6 asserting these affirmative and additional defenses, Event Tickets does not admit that  
7 it bears the burden of proof on any issue and does not accept any burden it would not  
8 otherwise bear. Event Tickets reserves all affirmative defenses permitted under the  
9 Federal Rules of Civil Procedure, the Copyright and Trademark Laws of the United  
10 States, the state and federal laws cited in the Complaint, and/or at law or in equity  
11 that may now exist, or in the future be available, based on discovery and further  
12 investigation in this case, as well as the right to amend this Answer to include those  
13 defenses. Pursuant to Federal Rule of Civil Procedure 8(c), Event Tickets, without  
14 waiver, limitation, or prejudice, hereby asserts the following affirmative and  
15 additional defenses.

16 **FIRST AFFIRMATIVE OR ADDITIONAL DEFENSE**

17 **(Fair Use)**

18 Plaintiff is not entitled to any relief because the accused conduct is protected by  
19 the fair use doctrine. For example, in *Sega Enterprises Ltd. v. Accolade, Inc.*, 977  
20 F.2d 1510 (9<sup>th</sup> Cir. 1992), the Ninth Circuit held that the doctrine of fair use prevents  
21 the use of both copyright and trademark law to restrict access to the functional aspects  
22 of a product. Here, it appears Plaintiff is attempting to use copyright and trademark  
23 to restrict access to functional aspects of event tickets, such as the ability to enter an  
24 event. However, Event Tickets has no knowledge of or involvement in the alleged  
25 infringements.

**SECOND AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Injunctive Relief)**

Plaintiff is not entitled to injunctive relief because any alleged injury to Plaintiff—there is none—is neither immediate nor irreparable and Plaintiff has an adequate remedy at law.

**THIRD AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Equitable Defenses)**

Plaintiff's claims against Event Tickets are barred in whole or in part by one or more of the equitable doctrines of acquiescence, estoppel, waiver, and unclean hands.

**FOURTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Laches)**

Plaintiff's claims against Event Tickets are barred in whole or in part by the doctrine of laches.

**FIFTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Trademark Infringement)**

Event Tickets has not infringed any valid, enforceable trademark of Plaintiff under the Lanham Act or state law.

**SIXTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Trademark Counterfeiting)**

Event Tickets has not counterfeited any valid, enforceable trademark of Plaintiff under the Lanham Act or state law.

**SEVENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No False Designation of Origin and Unfair Competition)**

Event Tickets has not engaged in any false designation of origin or unfair competition under the Lanham Act or state law.

**EIGHTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Likelihood of Confusion)**

There is no likelihood of consumer confusion based on the allegations of the Complaint.

**NINTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Willfulness or Malicious Conduct)**

None of Event Tickets alleged actions were willful or malicious.

**TENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Narrow Scope of Protection)**

Given the generic nature of Plaintiff's mark, it is afforded only a narrow scope of protection, if any.

**ELEVENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Remedies or Damages)**

Event Tickets has not committed any acts resulting in any damages against Plaintiff or any remedies owed to Plaintiff.

**TWELFTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Failure to Mitigate)**

Plaintiff's claims are barred, in whole or in part, as a result of its failure to mitigate damages, if any.

**THIRTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Contract)**

Event Tickets has entered no contract with Plaintiff.

**FOURTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Failure to State a Claim)**

Plaintiff has failed to state a claim against Event Tickets upon which relief can be granted.



**FIFTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Standing)**

Plaintiff lacks standing because it has failed to join necessary and indispensable parties, including without limitation the alleged infringers of its intellectual property.

**SIXTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Control)**

Plaintiff has failed to state a claim against Event Tickets because it has not, and cannot, allege that Event Tickets controls the alleged infringers of Plaintiff's intellectual property.

**SEVENTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Section 230)**

Plaintiff has failed to state a claim against Event Tickets because "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." 47 U.S.C. § 230.

**RESERVATION OF ALL AFFIRMATIVE AND ADDITIONAL DEFENSES**

Event Tickets hereby gives notice that it intends to rely upon any other matter constituting an avoidance or affirmative defense as set forth in Rule 8(c) of the Federal Rules of Civil Procedure, and that it reserves the right to seek leave to amend this Answer to add to, amend, withdraw, or modify these defenses as its investigation continues and as discovery may require.

**PRAYER FOR RELIEF**

Event Tickets prays as follows:

1. That Plaintiff takes nothing by way of its Complaint;
2. A judgment dismissing Plaintiff's Amended Complaint;

- 1           3.     That Event Tickets recover attorneys' fees, expert fees and investigator
- 2                 fees;
- 3           4.     That Event Tickets recover costs of suit herein; and
- 4           5.     That the Court award such other and further relief as it deems
- 5                 appropriate.
- 6

7     Dated:   April 29, 2024

FISH & RICHARDSON P.C.

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21          Attorneys for Defendant Event Tickets  
22          Center, Inc.  
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**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Event Tickets demands a jury trial on all claims which are triable to a jury in this action.

Dated: April 29, 2024

FISH & RICHARDSON P.C.

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